

EXHIBIT B

Subject: RE: Conferral on Expedited Briefing Schedule & Consent Order - No. 5:24-cv-724
Date: Monday, December 23, 2024 at 10:26:13 AM Eastern Standard Time
From: Babb, Mary Carla (Hollis)
To: Mark Rothrock
CC: Craig Schauer, Will Thompson, Troy Shelton, Mike Dowling, Bennett, Ray, Hartzell, Samuel, Steed, Terence
Attachments: image002.png, image003.jpg

Mark,

As stated in the Notice of Removal, assuming the State Board issues its decision in the remaining protests today, and assuming no stay is obtained by January 6, 2025, the certification of election would issue on Tuesday, January 7, 2025. So, yes, as of today, the earliest the certificate of election would issue is January 7, 2025.

MC



Mary Carla Babb
Special Deputy Attorney General
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Please note messages to or from this address may be public records.

From: Mark Rothrock <mark@lkcfirm.com>
Sent: Monday, December 23, 2024 9:45 AM
To: Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>
Cc: Craig Schauer <cschauer@dowlingfirm.com>; Will Thompson <will@lkcfirm.com>; Troy Shelton <tshelton@dowlingfirm.com>; Mike Dowling <mike@dowlingfirm.com>; Bennett, Ray <Ray.Bennett@wbd-us.com>; Hartzell, Samuel <Sam.Hartzell@wbd-us.com>; Steed, Terence <Tsteed@ncdoj.gov>
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Good morning,

Thank you for your response. I'm writing just to clarify a few things.

As for the consent stay, we were not referencing a temporary stay, but rather a stay in line with what we plan to seek in a preliminary injunction motion—that is, a stay under which the Board

would not certify the election results until a court decides the merits of these proceedings. We believe such a stay is reasonable given the contested legal issues here. Further, such a stay would conserve judicial and party resources, and avoid the rigmarole of briefing the PI over the holidays. With that clarification, please let us know if the Board willing to consent to the stay. If not, we can proceed with briefing that motion.

As for the schedule, we are open to the changes you've suggested, if you're willing to confirm the representations the Board has made in its Notice of Removal, *i.e.*, that if the Board issues its decision on Judge Griffin's remaining protests today (December 23, 2025), then we would have "until Monday, January 6, 2025, to obtain a stay," and that the Board would not certify the election until "January 7, 2025." D.E. 1 at 3-4. If you will confirm to us in an email that, as of today, the earliest the Board will certify the election results is January 7, 2025, then your suggestions are fine with us.

Please send any response to this email by 10:30 a.m.

Best regards,

Mark

Mark M. Rothrock | [LEHOTSKY KELLER COHN](#) | 336.416.3326

From: "Babb, Mary Carla (Hollis)" <MCBabb@ncdoj.gov>

Date: Monday, December 23, 2024 at 8:39 AM

To: Mark Rothrock <mark@lkcfirm.com>

Cc: Craig Schauer <cschauer@dowlingfirm.com>, Will Thompson <will@lkcfirm.com>, Troy Shelton <tshelton@dowlingfirm.com>, Mike Dowling <mike@dowlingfirm.com>, "Bennett, Ray" <Ray.Bennett@wbd-us.com>, "Hartzell, Samuel" <Sam.Hartzell@wbd-us.com>, "Steed, Terence" <Tsteed@ncdoj.gov>

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Morning all,

We are happy to agree to an expedited schedule; however, we ask that an additional day be added to the deadlines you proposed, given the intervening holiday and the availability of attorneys on our end. With that day added in, the schedule would be as noted below.

With this schedule, we don't think a temporary consent stay is necessary.

We are happy to hop on a call to discuss if need be. Just let us know.

Thanks,
MC

Preliminary Injunction:

1. Response due on Tuesday, December 31, 2024.
2. Reply due on Thursday, January 2, 2025.
3. Hearing on Friday, January 3, 2025.

Motion for Remand:

1. Response due on Friday, January 3, 2024.
2. Reply due on Wednesday, January 8, 2025.

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From: Steed, Terence <Tsteed@ncdoj.gov>
Sent: Friday, December 20, 2024 5:45 PM
To: Mark Rothrock <mark@lkcfirm.com>; Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>; Moore, South <smoore@NCDOJ.GOV>
Cc: Craig Schauer <cschauer@dowlingfirm.com>; Will Thompson <will@lkcfirm.com>; Troy Shelton <tshelton@dowlingfirm.com>; Mike Dowling <mike@dowlingfirm.com>; Bennett, Ray <Ray.Bennett@wbd-us.com>
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Mark,

We will confer with our team over the weekend and get back to you on this.

I am copying Ray Bennett on this response. Since there is no opposition to their motion to intervene, I expect they will be full parties by the time these responses would be due and would like to weigh in.

Have a good weekend everyone,



Terence Steed

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Please note messages to or from this address may be public records.

From: Mark Rothrock <mark@lkcfirm.com>

Sent: Friday, December 20, 2024 5:06 PM

To: Steed, Terence <Tsteed@ncdoj.gov>; Babb, Mary Carla (Hollis) <MCBabb@ncdoj.gov>; Moore, South <smoore@NCDOJ.GOV>

Cc: Craig Schauer <cschauer@dowlingfirm.com>; Will Thompson <will@lkcfirm.com>; Troy Shelton <tshelton@dowlingfirm.com>; Mike Dowling <mike@dowlingfirm.com>

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Good afternoon Counsel:

In light of Judge Myers's denial of our motion for a TRO, we intend to file a motion for preliminary injunction not later than Monday, December 23, 2024, again requesting that the Court stay the Board from certifying the election results pending outcome of this litigation. In light of the Board's representations that it may certify the election results as early as January 3, 2025, we also have no choice but to move for expedited briefing on that PI motion.

Additionally, we intend to file a motion for remand not later than Tuesday, December 24, 2025. We also will request expedited briefing on that motion.

Please let us know if you will consent to the following expedited schedules for both motions:

Preliminary Injunction:

1. Response due on Monday, December 30, 2024.
2. Reply due on Wednesday, January 1, 2025.
3. Hearing on Thursday, January 2, 2025.

Motion for Remand:

1. Response due on Thursday, January 2, 2024.
2. Reply due on Tuesday, January 7, 2025.

Alternatively, given the holiday period, if the Board is willing to agree to a consent order staying certification until the proceedings are concluded, we can all avoid the need to expedite briefing on the PI motion. But unless we can agree to a stay, we must brief this matter quickly to protect our client's rights.

Please let us know your thoughts not later than 10am on Monday, December 23, 2024. We're happy to discuss this over the phone if that will help reach a solution on these issues.

Best regards,

Mark

Mark M. Rothrock | [Lehotsky Keller Cohn](#) | 336.416.3326